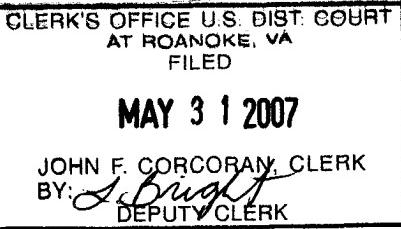


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION



ODALIS HARRIS,
Petitioner,

Civil Action No. 7:07-cv-00271

v.

MEMORANDUM OPINION

DEPARTMENT OF CORRECTIONS,
Respondent.

By: Hon. James C. Turk
Senior United States District Judge

The petitioner, a Virginia inmate proceeding pro se, has submitted to the court this petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254. However, court records indicate that the petitioner has previously filed a § 2254 petition in this court, concerning the same conviction, Civil Action No. 7:01-cv-00392 (W.D. Va. 2001); his appeal was subsequently dismissed by the United States Court of Appeals for the Fourth Circuit. Thus, the petitioner's current petition is a subsequent one, falling under the successive petition provisions of the federal habeas statutes in 28 U.S.C. § 2244(b). Pursuant to this section, a federal district court may consider a second or successive § 2254 petition only upon specific certification from the United States Court of Appeals for the Fourth Circuit that the claims in the petition meet certain criteria. § 2244(b). Because the petitioner has not submitted any evidence that he has obtained such certification by the Court of Appeals, the court will dismiss the petition without prejudice as successive.*

The Clerk is directed to send copies of this memorandum opinion and the accompanying order to the petitioner.

ENTER: This 31 day of May, 2007.

James C. Turk

Senior United States District Judge

*A Fourth Circuit form and instructions for filing a request for certification to file a subsequent petition are available from the Fourth Circuit at the following address: Office of the Clerk, United States Court of Appeals for the Fourth Circuit, 900 E. Main St., Richmond, VA 23219.